



Electronic Case Filing
Administrative Policies and Procedures Manual

United States District Court
for the Southern District of California

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Southern District of California
Electronic Case Filing
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Section 1: The Electronic Filing System

a. **Authorization for Electronic Filing**

Pursuant to General Order No. 550, beginning on September 18, 2006, the U.S. District Court for the Southern District of California will permit attorneys and others who have obtained permission of the Court in civil and criminal cases to file documents with the Court electronically, over the Internet, through its Case Management/Electronic Case Filing (CM/ECF) system. The Court expects all attorneys practicing in this District to participate in electronic filing to the extent practicable.

Electronic transmission of a document to the CM/ECF system, together with the transmission of a Notice of Electronic Filing from the court, constitutes filing of the document for purposes of Rule 5(e) of the Federal Rules of Civil Procedure and Rule 49(d) of the Federal Rules of Criminal Procedure, and constitutes entry of the document on the docket kept by the Clerk of Court under Rules 58 and 79 of the Federal Rules of Civil Procedure. The following Court policies govern electronic filing in this district unless, due to extraordinary circumstances, in a particular case, a judicial officer determines that these policies should be modified in the interest of justice.

b. **Scope of Electronic Filing**

Except as prescribed by local rule, order, or other procedure, the Court has designated all cases to be assigned to the Electronic Filing System. Unless otherwise expressly provided in these rules or in exceptional circumstances preventing a registered user from filing electronically, all petitions, motions, memoranda of law, or other pleadings and documents required to be filed with the Court by a registered user in connection with a case assigned to the Electronic Filing System must be electronically filed.

Case initiating documents, including the Complaint, Notice of Removal, Information, Indictment and Superseding Information or Indictment, shall be filed in paper format at the Clerk's Office. All subsequent documents must be filed by registered users electronically except as provided in these rules or as ordered by the Court.

c. **The Official Record and Maintenance of Original Paper Documents**

The official Court record will be the electronic file maintained on the Court's servers. This includes information transmitted to the Court in electronic format, as well as documents filed in paper form, scanned, and made a part of the electronic record to the extent permitted by the Court's policies. The official record will also include any documents or exhibits that may be impractical to scan. The electronic file maintained on the Court's servers shall contain a reference to any such documents filed with the Court. For cases initiated prior to the implementation of the Electronic Filing System, the official Court record will include both the pre-implementation paper file maintained by the Clerk, as well as the post-implementation electronic files maintained on the Court's servers. The Clerk's Office shall not maintain a paper court file in any case initiated on or after the effective date of these procedures except as otherwise provided in these procedures.

If an original pleading has some intrinsic value, the filing party shall retain the original paper document until one year after the expiration of all time periods for appeal, and shall provide the original paper document to the Court upon request.

d. **Definitions**

CASE MANAGEMENT/ELECTRONIC CASE FILING SYSTEM, referred to in these procedures as the system or CM/ECF, means the Internet-based system for filing documents and maintaining court case files in the United States District Court for the Southern District of California.

DOCUMENT means pleadings, motions, exhibits, declarations, affidavits, memoranda, papers, orders, notices, and any other filing by or with the court.

ELECTRONIC FILING means uploading a document directly from the registered user's computer in "Portable Document Format" (.pdf), using the CM/ECF system to file that document in the court's case file. Individual .pdf documents must not exceed ten (10) megabytes (MB) in size with a maximum of 400 dots per inch (dpi). Pacific Standard Time applies to all filings. Sending a document or pleading to the court via e-mail other than as described below does not constitute "electronic filing."

INITIATING DOCUMENTS include civil complaints, notices of removal, civil cover sheets, supplemental cover sheets, criminal indictments, superseding indictments, informations, complaints, petitions, notices to appear, summonses and warrants.

NOTICE OF ELECTRONIC FILING, referred to in these procedures as NEF, is a notice automatically generated by the CM/ECF system at the time a document is filed with the court. The notice sets forth the time of filing, the name of the attorney and/or party filing the document, the type of document, the text of the docket entry, the name of the party and/or attorney receiving the notice, and an electronic link (hyperlink) to the filed document which allows recipients to retrieve the document automatically.

.pdf refers to Portable Document Format, a proprietary file format developed by Adobe Systems, Inc. A document file created with a word processor, or a paper document which has been scanned, must be converted to Portable Document Format to be electronically filed with the court. Converted files contain the extension ".pdf". Documents which exist only in paper form may be scanned into .pdf for electronic filing. Electronic documents must be converted to .pdf directly from a word processing program (e.g., Microsoft Word® or Corel WordPerfect®).

REGISTERED USER is an individual who has been issued a login and password by the court to electronically file documents.

PACER (Public Access to Court Electronic Records) is an automated system that allows a subscriber to view, print and download court case file information over the Internet for a fee.

e. **System Availability**

The CM/ECF system is designed to provide service 24 hours a day. The parties, however, are encouraged to file documents in advance of filing deadlines and during normal business hours. The Clerk's Office has established a Help Desk (###-###-####) to respond to questions regarding CM/ECF, the registration process, and to receive voice mail messages. The Help Desk will be staffed business days from 8:30 a.m. to 4:30 p.m., and will be available at all other times to record voice mail messages.

f. **Registration and Attorney Responsibilities**

Registration in the CM/ECF system for the purpose of electronic service of pleadings and other papers shall be mandatory for attorneys.

Before filing in this court, all attorneys in good standing must register for the CM/ECF system by completing the on-line registration form on the court web site at www.casd.uscourts.gov.

Registration constitutes consent to electronic service of documents by e-mail, as provided by the Federal Rules of Civil Procedure. An attorney may register up to two (2) additional email addresses.

Upon confirmation of the e-mail address, the attorney's login and password will be sent by e-mail. An attorney whose e-mail address, mailing address, telephone or fax number has changed must update the information through the CM/ECF utility menu and file a timely notification of the changes. Attorneys employed by federal, state, and local government agencies are responsible for updating their attorney information upon their appointment and separation from their respective agency

Electronic filing through CM/ECF is required for all attorneys beginning November 1, 2006, except as otherwise provided herein.

A filing party must maintain an electronic mailbox of sufficient capacity, with the appropriate e-mail permissions, to receive electronic notice of case-related

transmissions.

If an attorney fails to file electronically and does so without leave of court, he or she must also file a "Notice of Non-Compliance with Mandatory Electronic Filing" setting forth the reason(s) for filing in non-electronic form.

After leave to appear pro hac vice has been granted, attorneys shall have five (5) days to register for electronic filing.

An attorney may apply to the court for permission to file documents in paper form. Effective November 1, 2006, attorneys must show good cause to file and serve using non-electronic filing. Unless otherwise ordered by the court, attorneys who are granted approval for non-electronic filing must include with paper filings a properly labeled CD-ROM or diskette containing .pdf files of all papers filed with the court. Permission for non-electronic filing may be withdrawn at any time by the court and the attorney may be required to file documents using the CM/ECF system.

g. **Logins and Passwords**

Each attorney who completes registration will be issued one login and password. Documents filed under an attorney's login and password will constitute that attorney's signature for purposes of the Local Rules and Federal Rules of Civil and Criminal Procedure, including Rule 11 of the Federal Rules of Civil Procedure. Therefore, only one password will be issued and the attorney should not permit the password to be used by anyone other than an authorized agent. The attorney is responsible for all documents filed with his or her password.

If a registered user believes the security of an existing password has been compromised, the user must immediately notify the Clerk's Office and change the password through the CM/ECF system utility menu.

h. **Privacy**

Unless otherwise ordered by the court, parties must refrain from including, or must partially redact where inclusion is necessary, the following personal identifiers

from all pleadings and documents filed with the court, including exhibits thereto:

1. Social Security numbers. If an individual's Social Security number must be included in a pleading or document, only the last four (4) digits of that number should be used.
2. Names of minor children. If the involvement of a minor child must be mentioned, only the initials of that child should be used.
3. Dates of birth. If an individual's date of birth must be included in a pleading or document, only the year should be used.
4. Financial account numbers. If financial account numbers are relevant, only the last four digits of these numbers should be used.
5. Home address. In criminal cases, if a home address must be included only the city and state should be listed.

The responsibility for redacting personal identifiers rests solely with the parties. The Clerk's Office will not review each document for compliance with this rule. A party filing a redacted document must retain the complete unredacted document for the duration of the case, including any period of appeal, unless instructed by the Court to file the complete unredacted document under seal.

i. **Technical Specifications**

Current technical specifications for CM/ECF can be found at the Court's official web site, www.casd.uscourts.gov. Specifications may change periodically. Registered users shall refer to the web site for the most current requirements.

Section 2: Electronic Filing and Service of Documents

a. **Filing**

Electronically filed documents must meet the requirements of Fed. R. Civ. P. 10 (Form of Pleadings), and Local Civil Rule 5.4, as if they had been submitted on paper. Documents filed electronically are also subject to any page limitations set forth by Court order or by Local Civil Rule 7.1, Local Civil Rule 8.2, and Local Criminal Rule 47.1.

Unless otherwise expressly provided in these rules or in exceptional circumstances preventing a registered user from filing electronically, all petitions, motions, memoranda of law, or other pleadings and documents required to be filed with the Court by a registered user in connection with a case assigned to the Electronic Filing System must be electronically filed.

E-mailing a document to the Clerk's Office or to the assigned judge shall not constitute "filing" of the document.

The Court may, upon the motion of a party or upon its own motion, strike any inappropriately filed document.

b. **Pro Se Litigants**

Unless otherwise authorized by the court, all documents submitted for filing to the Clerk's Office by parties appearing without an attorney must be in legible, paper form. The Clerk's Office will scan and electronically file the document.

A pro se party seeking leave to electronically file documents must file a motion and demonstrate the means to do so properly by stating their equipment and software capabilities in addition to agreeing to follow all rules and policies in the CM/ECF Administrative Policies and Procedures Manual. If granted leave to electronically file, the pro se party must register as a user with the Clerk's Office and as a subscriber to PACER within five (5) days.

A pro se party must seek leave to electronically file documents in each case

filed. If an attorney enters an appearance on behalf of a pro se party, the attorney must advise the Clerk's Office to terminate the login and password for the pro se party.

c. **Case Initiating Documents**

All case initiating documents, including but not limited to the Complaint, Notice of Removal, Information, Indictment and Superseding Information or Indictment, shall be filed in paper format at the Clerk's Office. Parties must include with paper filings a properly labeled CD-ROM or diskette containing .pdf files of the case initiating documents.

d. **Service**

1. **Summons**

Rule 5(b) of the Federal Rules of Civil Procedure and Rule 49(b) of the Federal Rules of Criminal Procedure do not permit electronic service of process. The Clerk's Office will issue each summons in paper format, and the service of a summons or subpoena must be effected pursuant to Rule 4 and 4.1 of the Federal Rules of Civil Procedure and Rule 4 of the Federal Rules of Criminal Procedure.

After a summons has been served, or a waiver of service via summons has been received, the serving registered user must promptly scan the return of service or waiver and electronically file it. Non-registered filers may file the return of service or waiver with the Clerk's Office.

2. **Service of Documents**

Whenever a document is electronically filed in accordance with these procedures, the CM/ECF system will generate a "Notice of Electronic Filing" (NEF) to the filing party, the assigned judge and any registered user in the case. The NEF will constitute service of the document for purposes of the Federal Rules of Civil, Criminal and Appellate Procedure. Registration as a CM/ECF user constitutes consent to electronic service through the court's

transmission facilities.

Each registered user of the CM/ECF system is responsible for assuring that the user's e-mail account is monitored regularly, and that e-mail notices are opened in a timely manner.

A certificate of service is required when a party electronically files a document. The certificate must state the manner in which service or notice was accomplished on each party.

Any document that is not filed electronically (i.e., sealed) must be served as a paper copy.

A party who is not a registered participant of CM/ECF is entitled to service of a paper copy of any electronically filed document. The filing party must serve the non-registered party with the document according to the Federal Rules of Civil Procedure.

A non-registered filing party who files document(s) with the Clerk's Office for scanning and entry to CM/ECF must serve paper copies on all non-registered parties to the case. There will be some delay in the scanning, electronic filing and subsequent electronic noticing to registered users. If time is an issue, non-registered filers should consider paper service of the document(s) to all parties.

e. **Courtesy Copies for Judicial Officers**

Parties shall provide the Court one courtesy copy of all electronically filed criminal documents, and one courtesy copy of electronically filed civil documents that exceed twenty (20) pages, including attachments and exhibits. The next business day after the electronic filing, the courtesy copy must be either post-marked and mailed directly to the judge, or hand-delivered to the Clerk's Office. If the nature of the filing is such that the need for a judge's immediate attention is anticipated or desired, a courtesy copy shall be delivered on the same day as the filing. A copy of the Notice of Electronic Filing must precede the first page of the courtesy copy. Courtesy copies are to be addressed to the attention of the assigned

judicial officer.

f. **Signatures**

1. **Registered Users**

The registered user log-in and password required to submit documents to the CM/ECF system will serve as that registered user's signature for purposes of Rule 11 of the Federal Rules of Civil Procedure and for all other purposes under the Federal Rules of Civil, Criminal and Appellate Procedure and the Local Rules of this court. The name of the CM/ECF registered user under whose log-in and password the document is submitted must be preceded by a "s/" and typed in the space where the signature would otherwise appear. The correct format for an attorney signature is as follows:

s/Adam Attorney
Attorney for (Plaintiff/Defendant)
E-mail: adam_attorney@lawfirm.com

2. **Non-Registered Signatories**

If the original document requires the signature of a non-registered signatory, the filing party must scan and electronically file the original document. The electronically filed document maintained on the court's servers will constitute the official version of that record. The filing party must retain the original document for the duration of the case, including any period of appeal.

3. **Criminal Defendants**

A document containing the signature of a defendant in a criminal case must be electronically filed as a scanned document in .pdf. The filing party is required to verify the legibility of the scanned document before electronically filing it with the court. The filing party must retain the original document for the duration of the case, including any period of appeal.

4. Documents Requiring Multiple Signatures

All stipulations shall be filed as joint motions. The filer of a joint motion need not obtain a hearing date prior to filing the joint motion.

The filer of any joint motion or other document requiring more than one signature must certify that the content of the document is acceptable to all persons required to sign the document by obtaining either physical signatures or authorization for the electronic signatures of all parties on the document. Physical, facsimile or electronic signatures are permitted. The filer shall electronically file the document indicating the signatories as "s/Jane Doe," "s/John Smith," etc., for each electronic signature.

Parties shall have one business day to file an Objection to Electronic Filing if they object to contents of the joint motion or document that contains their signature. The assigned judicial officer will prepare an order, or enter a text order on the docket, following the filing of a joint motion.

g. Motions, Applications, or Other Requests for Ruling by the Court

Pursuant to Local Civil Rule 7.1.b and Local Civil Rule 7.1.e, all hearing dates for any motion, application, or other requests for ruling by the Court shall be obtained from the law clerk of the judge to whom the case is assigned before any motion, application, or other requests for ruling by the Court are filed electronically. Any supporting memorandum of points and authorities, declarations, and exhibits associated with motions, applications, or other requests for ruling by the Court, shall be filed as attachments to the motion in the CM/ECF system. The Court may, upon its own motion, strike any inappropriately filed document.

h. Proposed Orders and Orders

Absent a request by the Court, registered users SHALL NOT FILE OR SUBMIT proposed orders within the electronic filing system. Upon request by the

Court, registered users may e-mail proposed orders to the judge's official e-mail address, preferably in WordPerfect format, with a copy of the e-mail and proposed order also being sent to opposing counsel. The e-mail subject line should include the case number, followed by a short description of the attachment (i.e., 06cv1234 – Order Granting Motion to Dismiss). **These e-mail addresses are not to be utilized to communicate with the Court unless otherwise permitted or when communications are solicited by the Court.** Opposing counsel shall have 24 hours to e-mail chambers any objections to the proposed order.

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i. **Sealed and Juvenile Documents**

All sealed and juvenile documents shall be filed and served in paper format.

j. **Exhibits**

Exhibits must be submitted electronically in CM/ECF as attachments. If the entire exhibit exceeds ten (10) megabytes with a maximum resolution of 400 dots per inch (dpi), it must be submitted in multiple segments, not to exceed ten (10) megabytes each.

Each document containing exhibits shall have, as a cover page to the

exhibits, a table of contents indicating the page number of each of the succeeding exhibits.

The filing party is required to verify the legibility of the scanned exhibits prior to electronically filing them with the court. Parties should scan documents in black and white, unless color is a critical feature of the information.

Original exhibits must be retained by the submitting party for the duration of the case, including any period of appeal.

A party may seek leave of the court to allow the non-electronic filing of exhibits when they are not convertible to electronic form (e.g. videotapes, maps, etc.). If leave is granted, the following procedure will apply:

1. The filing party must prepare a cover page in pleading format to be submitted with the exhibits. The cover page shall contain a table of contents indicating the page number of each of the succeeding exhibits. The caption will state what document, if any, the exhibits are supporting. The actual exhibits must be tabbed and bound if appropriate.
2. Parties are required to include with the paper filing a properly labeled CD-ROM or diskette containing .pdf files of the table of contents. The table of contents and exhibits must be served on the other parties by the filer.

Evidentiary and trial exhibits must be submitted directly to the appropriate courtroom deputy clerk and will not be filed with the court.

k. **Hyperlinks**

In order to preserve the integrity of the court record, attorneys wishing to insert hyperlinks in court filings shall continue to use the traditional citation method for the cited authority, in addition to the hyperlink. The Judiciary's policy on hyperlinks is that a hyperlink contained in a filing is no more than a convenient mechanism for accessing material cited in the document. A hyperlink reference is

extraneous to any filed document and is not part of the court's record.

1. **Technical Failures**

A registered user whose filing is made untimely as the result of a technical failure may seek appropriate relief from the court.

m. **Correcting Filing or Docket Errors**

1. Once a document is submitted and becomes part of the case docket, corrections to the docket may be made only by the Clerk's Office. The CM/ECF system will not permit the filing party to make changes to the document or docket entry once the transaction has been accepted.
2. The filing party should not attempt to re-file an incorrectly filed document.
3. The filing party must contact the Clerk's Office CM/ECF Help Desk as soon as an error has been discovered and provide the case number and document number. If appropriate, the Clerk's Office will make a docket entry indicating the document was filed in error. The filing party will be advised if the document needs to be re-filed.
4. If the Clerk's Office discovers filing or docketing errors, the filer will be advised of what further action, if any, is required to address the error. However, if the error is minor, the Clerk's Office may correct the error, with or without notifying the parties.
5. In the event it appears a document has been filed in the wrong case, the Clerk's Office will docket an entry indicating this possible error and notify the filing party. If it is confirmed as an error, the party will be directed to re-file the document in the correct case. The Clerk's Office will not delete any documents filed by a party unless ordered by the court.

n. **Transcripts**

The Judicial Conference has adopted a policy regarding electronic access to court transcripts. Implementation of the policy is temporarily stayed. The following procedures apply as to transcripts:

A .pdf version of transcripts filed by Official Court Reporters will be filed electronically in CM/ECF.

Transcripts filed by contract court reporters or official transcribers will be submitted to the Clerk's Office in .pdf through e-mail to a designated e-mail address. The e-mail address for contract court reporters and official transcribers is ecftranscripts@casd.uscourts.gov.

Transcripts will not be available by remote access. All formerly available methods of obtaining transcripts remain in full force and effect.

This procedure is subject to change pending the outcome of the heretofore mentioned stay.

o. **Exceptions to Electronic Filing**

The following documents must be submitted in paper form:

1. Administrative Records in Social Security Cases
2. Sealed and Juvenile Documents
3. Documents Requiring a Filing Fee
4. Civil Complaints, Notice of Removal, Cover Sheets and All Other Case Initiating Documents
5. Indictments
6. Criminal Complaints
7. Financial Affidavits in Support of Request for Appointment of Counsel
8. Bond Documents
9. Affidavits Related to Criminal Complaints
10. Summons Issued
11. Warrants Issued

12. Writs Issued
13. Unless Available Electronically, the State Court Record in Habeas Corpus Cases Filed under 28 U.S.C. § 2254
14. Pen Registers, Trap and Trace
15. Wire tap orders
16. Reports of Medical or Mental Evaluations of Criminal Case Defendants
17. Probation and Pretrial Petitions
18. Grand Jury Matters, including:
 - a. Minute sheets
 - b. Grand Jury returns
 - c. Voting slips
 - d. Orders appointing alternate jurors
 - e. Motions and orders to quash subpoenas
 - f. Motions and orders to enforce subpoenas
 - g. Motions and orders for immunity
 - h. Motions and orders for appointment of counsel
 - i. Grand Jury Transcripts
16. Any other document or filing that the court orders not to be electronically filed, imaged or maintained in the CM/ECF system.